

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CHILDRESS,**

**Plaintiff,**

**v.**

**GRADY MEMORIAL HOSPITAL  
CORPORATION d/b/a GRADY  
HEALTH SYSTEM,**

**Defendant.**

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**CIVIL ACTION NO.  
1:15-cv-0173-SCJ**

**ORDER**

This matter is before the Court for consideration of the parties' joint motion to approve settlement of this suit brought under the Fair Labor Standards Act ("FLSA"). Doc. Nos. [108]; [109]. The parties have reached a settlement with regards to Plaintiff's claim for overtime wages. Doc. No. [108-1]. Plaintiff is to receive the total sum of \$849.98, consisting of \$424.99 in damages as stipulated by the Court's summary judgment order (Doc. No. [85]) and \$424.99 as liquidated damages. Doc. No. [108-1].

Once a suit is brought under the FLSA, a district court must examine a proposed settlement for fairness. Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1353 (11th Cir. 1982). The Court has reviewed Plaintiffs' complaint,

the Court's summary judgment order, the parties' motion, and the proposed agreement. See Doc. Nos. [40]; [85]; [108]; [108-1]. As the amount of overtime wages offered to Plaintiff represents the maximum amount she could receive under the FLSA (see Doc. No. [85], p. 73), the Court determines that the parties' settlement agreement is a fair and reasonable resolution to Plaintiff's claim.

Generally, district courts must also consider the amount of a plaintiff's attorney's fees paid as part of a settlement. See Silva v. Miller, 307 F. App'x 349, 351 (11th Cir. 2009). However, such a review is not necessary when "the plaintiff's attorneys' fee [is] agreed upon separately and without regard to the amount paid to the plaintiff." Bonetti v. Embarq Mgmt. Co., 715 F. Supp. 2d 1222, 1228 (M.D. Fla. 2009). Plaintiff has a pending motion in this case seeking attorneys' fees. Doc. No. [110]. An award of attorneys' fees will be determined independently of Plaintiff's settlement amount and will not impact the amount received by the plaintiff. Accordingly, the Court hereby **GRANTS** the parties' motion for approval of the settlement agreement. Doc. No. [108].

**IT IS SO ORDERED**, this 4<sup>th</sup> day of January, 2018.

s/Steve C. Jones  
HONORABLE STEVE C. JONES  
UNITED STATES DISTRICT JUDGE